

ORIGINAL

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FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

JUL 12 2006

at 10 o'clock and 55 min. AM
 SUE BEITIA, CLERK

Attorneys for Defendant/Limitation Plaintiff
MORNING STAR CRUISES, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

In the Matter of	)	CV. NO. 03-00672 SOM-BMK
)	
The Complaint of MORNING STAR)	
CRUISES, INC., a Hawaii corporation.)	
)	
<u>SHIROH FUKUOKA, Individually and</u>	)	CV. NO. 04-00588 SOM-BMK
as Personal Representative of THE)	
ESTATE OF MITSUKO FUKUOKA,	)	[CONSOLIDATED]
and as Next Friend of MIHO)	
FUKUOKA, a Minor,	)	NOTICE OF HEARING OF
	)	DEFENDANT/LIMITATION
Plaintiffs,	)	PLAINTIFF MORNING STAR
	)	CRUISES, INC.'S MOTION TO
vs.	)	DISMISS PLAINTIFF'S CLAIMS
	)	AND FOR ATTORNEY'S FEES
MORNING STAR CRUISES, INC., a	)	AND COSTS; DEFENDANT/
Hawaii corporation; JOHN DOES 1-	)	LIMITATION PLAINTIFF
10, JANE DOES 1-10, DOE	)	MORNING STAR CRUISES,
CORPORATIONS 1-10, DOE	)	INC.'S MOTION TO DISMISS
	)	PLAINTIFF'S CLAIMS AND FOR

PARTNERSHIPS 1-10, DOE JOINT	)	PLAINTIFF'S CLAIMS AND FOR
VENTURERS 1-10, DOE LIMITED	)	ATTORNEY'S FEES AND
LIABILITY ENTITIES 1-10, DOE	)	COSTS; MEMORANDUM IN
NON-PROFIT ENTITIES, 1-10, DOE	)	SUPPORT OF MOTION;
GOVERNMENTAL ENTITIES 1-10,	)	AFFIDAVIT OF GREGORY K.
DOE UNINCORPORATED	)	MARKHAM; EXHIBITS "1" –
ENTITIES 1-10, and OTHER DOE	)	"6"; CERTIFICATE OF SERVICE
ENTITIES 1-10,)	
	)	Date: _____
Defendants.)	
	)	Time: _____
)	
	)	Judge: Barry M. Kurren
)	
)	
	)	Trial: February 21, 2007
	)	Time: 9:00 a.m.
	)	Judge: Hon. Susan Oki Mollway

**NOTICE OF HEARING OF DEFENDANT/LIMITATION PLAINTIFF
MORNING STAR CRUISES, INC.'S MOTION TO DISMISS
PLAINTIFF'S CLAIMS AND FOR ATTORNEY'S FEES AND COSTS**

TO: **ROBERT D. KAWAMURA, ESQ.**
550 Halekauwila Street., Suite 106
Honolulu, Hawaii 96813

Attorney for Limitation Defendants

NOTICE IS HEREBY GIVEN that DEFENDANT/LIMITATION
PLAINTIFF MORNING STAR CRUISES, INC.'S MOTION TO DISMISS
PLAINTIFF'S CLAIMS AND FOR ATTORNEY'S FEES AND COSTS shall
come on for hearing before the Honorable _____,
Magistrate/Judge of the above-entitled Court, in his courtroom in the United States

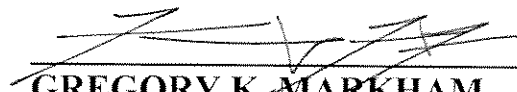
Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii, on

_____, the _____ day of _____, 2006,

at the hour of _____ o'clock _____.m., or as soon thereafter as counsel

may be heard.

DATED: Honolulu, Hawaii, July 11, 2006.



GREGORY K. MARKHAM
KEITH K. KATO
DESIREE HIKIDA MOKUOHAI

Attorneys for /Defendant
Limitation Plaintiff
MORNING STAR CRUISES, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

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FUKUOKA, a Minor,)	DEFENDANT/LIMITATION
)	PLAINTIFF MORNING STAR
Plaintiffs,)	CRUISES, INC.'S MOTION TO
)	DISMISS PLAINTIFF'S CLAIMS
vs.)	AND FOR ATTORNEY'S FEES
)	AND COSTS
MORNING STAR CRUISES, INC., a)	
Hawaii corporation; JOHN DOES 1-)	
10, JANE DOES 1-10, DOE)	
CORPORATIONS 1-10, DOE)	
PARTNERSHIPS 1-10, DOE JOINT)	
VENTURERS 1-10, DOE LIMITED)	
LIABILITY ENTITIES 1-10, DOE)	
NON-PROFIT ENTITIES, 1-10, DOE)	
GOVERNMENTAL ENTITIES 1-10,)	
DOE UNINCORPORATED)	
ENTITIES 1-10, and OTHER DOE)	
ENTITIES 1-10,)	
)	
Defendants.)	
)	

**DEFENDANT/LIMITATION PLAINTIFF MORNING STAR CRUISES,
INC.'S MOTION TO DISMISS PLAINTIFF'S CLAIMS AS SANCTION
FOR ABUSE OF DISCOVERY PROCESS AND
FOR ATTORNEY'S FEES AND COSTS**

COMES NOW, Defendant/Limitation Plaintiff MORNING STAR CRUISES, INC. (hereinafter referred to as "Morning Star"), by and through its attorneys, the law firm of Chee & Markham, and hereby submits this motion for an Order dismissing Plaintiff/Limitation Defendant's claims.

This Motion is based upon Federal Rules of Civil Procedure 37, supported by applicable law, the memorandum in support of the motion, affidavit of counsel, and the records and files herein. Pursuant to Federal rules of Civil Procedure 37(a)(4), request is made hereby for costs incurred in bringing this motion, including attorney's fees.

DATED: Honolulu, Hawaii, July 11, 2006.


GREGORY K. MARKHAM
KEITH K. KATO
DESIREE HIKIDA MOKUOHAI

Attorneys for Defendant/
Limitation Plaintiff
MORNING STAR CRUISES, INC.